

Message

From: Hanson, Robyn [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C4CD36EF688F47ABA2373A33B5D9B8FF-HANSON, ROB]
Sent: 4/30/2021 4:18:16 AM
To: Cathy Laughner [cathyl@bkbh.com]
CC: Thomas Jodoin [TJODOIN@helenamt.gov]
Subject: City of Helena: Revised Proposed AOC and Commitment on CWA Administrative Penalty
Attachments: April 2021_Revised Proposal for City_ Helena AOC_Clean.docx; Helena AOC_Updated April 29 2021.docx

Settlement Communication – Subject to FRE 408

Cathy,

As discussed during our meeting this afternoon, we are requesting the City of Helena's commitment to sign the attached revised proposed AOC (file name: "April 2021_Revised Proposal for City_Helena AOC_Clean") and pay to the EPA an administrative penalty in the amount of \$25,000.00. To reiterate, we seek both commitments no later than **May 21, 2021**. Up until this date, we remain willing to recommend a cooperative, pre-filing administrative resolution for this enforcement case, to be achieved through two separate administrative settlement agreements. The AOC, which will address alleged outstanding CWA compliance through an administrative compliance order, as authorized under CWA Section 309(a), and a forthcoming proposed Consent Agreement and Final Order (CA/FO), which will require the payment of \$25,000.00 as an administrative penalty, as authorized under CWA Section 309(g).

Immediately after our meeting today, we further updated Paragraphs 73 and 115 to address issues that you raised during our discussion. The second attachment to this email (file name: Helena AOC_Updated April 29 2021) is the redline that we shared on our screen during today's Microsoft Teams meeting, inclusive of comments, plus the additional changes added to Paragraphs 73 and 115 after the meeting. Please use this redline to ease your review of differences between the revised proposed AOC and the original November 25, 2020, AOC proposal.

As we explained earlier today, the revised proposed AOC reflects edits that we made to the EPA's original AOC proposal based on our discussions and email exchanges with the City since November 25, 2020. This revised AOC is offered as another attempt to move forward in pre-filing settlement negotiations despite the City's asserted position on April 19, 2021, that no AOC or enforcement action is necessary. We disagree with that position and reserve our enforcement options under the CWA if the City declines to enter into the attached revised proposed AOC and forthcoming proposed CA/FO with a penalty amount of \$25,000.00.

Finally, note that we need two additional pieces of information from the City before we can send you a signature-ready copy of the revised AOC: an email address and signature block information for Helena's authorized signatory, currently highlighted with placeholders on the final two pages of the revised proposal. This same information was requested in the originally proposed AOC.

We look forward to receiving the City's commitments no later than May 21, 2021. We intend to send a formal CA/FO proposal your way before that date.

Regards,

Robyn

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